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WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE
GRANTING OF INDEPENDENCE TO
COLONIAL COUNTRIES AND PEOPLES

EAST TIMOR

Working paper prepared by the Secretariat

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EAST TIMOR

I. GENERAL

1. The Territory of East Timor comprises the eastern part of the island of Timor, which is located at the tip of the chain of islands forming the Republic of Indonesia; the enclave of Oecusse Ambeno; the island of Atauro, off the northern coast of Timor; and the island of Jaco, off its extreme eastern tip. It lies between latitudes 8°17'S and 10°22'S and longitudes 123°25'E and 127°19'E.

2. According to the 1980 census, the total population of the Territory was 555,350; in 1991, it was estimated at 752,000. 1/

II. CONSIDERATION BY THE UNITED NATIONS 2/

A. General Assembly and other United Nations bodies

3. Between 1961 and 1982, the General Assembly annually reviewed the question of East Timor and adopted resolutions on the basis of the reports submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. 3/

4. Since April 1977, the Government of Portugal, in its capacity as administering Power of East Timor, has annually informed the Secretary-General that owing to conditions prevailing in the Territory, namely the presence of armed forces of the Republic of Indonesia, it has been de facto prevented from transmitting any information concerning East Timor under Article 73 e of the Charter of the United Nations. 4/

5. At its thirty-seventh session, by its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report to the Assembly at its thirty-eighth session. The Assembly requested the Special Committee to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General to facilitate implementation of the resolution.

6. Since 1983, the Secretary-General has kept the General Assembly apprised of developments related to the exercise of his good offices. 5/ In his latest progress report, submitted to the General Assembly at its forty-seventh session (A/47/435), the Secretary-General stated that he had continued consultations with the Governments of Indonesia and Portugal, in the course of which both sides had reiterated their determination to seek a comprehensive and internationally acceptable solution to the question of East Timor through continuing dialogue and negotiation.

7. At each session since the thirty-eighth, the General Assembly has deferred consideration of the question. 6/

8. During the general debate at the forty-seventh session of the General Assembly, the representatives of Angola, Cape Verde, Guinea-Bissau, Portugal and Vanuatu referred to the question of East Timor in their statements (A/47/PV.5, 7, 24 and 30).

9. Under the mandate entrusted to it and renewed annually by the General Assembly, the Special Committee continued its review of the question of East Timor at its 1992 session. The Special Committee considered the question at its 1404th through 1406th meetings, on 27 and 28 July 1992. During these meetings, the Committee heard statements by the representatives of Indonesia and Portugal (A/AC.109/PV.1406), as well as 23 petitioners (A/AC.109/PV.1404, 1405 and 1406).

10. At its 1406th meeting, on 28 July, the Special Committee decided to continue consideration of the item at its 1993 session, subject to any directives which the General Assembly might give in that connection at its forty-seventh session (A/AC.109/PV.1406).

11. Speaking before the Third Committee of the General Assembly at its 1992 session, on behalf of the European Community and its member States, the representative of the United Kingdom of Great Britain and Northern Ireland made reference to the inquiry into the November 1991 incident at Dili, East Timor (A/C.3/47/SR.47). Also at the same session, the representative of Canada made reference to the question of East Timor (A/C.3/47/SR.56).

12. In the general debate of the Fourth Committee at the forty-seventh session of the General Assembly, on 19 October 1992, several representatives made reference to the question of East Timor under its agenda item Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The representative of Argentina made a statement on behalf of Bolivia, Chile, Colombia, Ecuador, Honduras, Mexico, Nicaragua, Paraguay, Uruguay and Venezuela, as did the representative of the United Kingdom, on behalf of the European Community and its member States (A/C.4/47/SR.4). Afghanistan and Brazil also spoke on the question (A/C.4/47/SR.3 and 4). The Committee also heard statements by the representatives of Indonesia and Portugal in exercise of the right of reply (A/C.4/47/SR.4).

13. On 27 August 1992, the United Nations Subcommission for the Prevention of Discrimination and Protection of Minorities, addressing the situation in East Timor, adopted resolution 1992/20 by a secret ballot vote of 13 in favour to 6 against, with 4 abstentions. By that resolution, the Subcommission, inter alia, deplored the tragic event at Dili on 12 November 1991 in which East Timorese civilians, including women and children, were killed as a result of actions by members of the Indonesian armed forces; and expressed its utmost concern at reports of continuing widespread human rights violations in East Timor. The Subcommission commended the decision by the Indonesian Government to set up a National Commission of Inquiry but regretted that the investigation had not been followed through. It urged the Indonesian authorities, on humanitarian grounds, to cooperate with the families of the victims by providing information regarding the dead and the whereabouts of their remains for proper burial; and called upon the Indonesian authorities to honour their commitment to facilitate access to East Timor by humanitarian and human rights organizations. 7/

14. The question of East Timor was subsequently discussed by the Commission on Human Rights at its forty-ninth session, held from February to March 1993. The Commission had before it reports containing information regarding action taken by the Special Rapporteur on extrajudicial, summary or arbitrary execution 8/ and the Special Rapporteur on the question of torture, with regard to East Timor; 9/ as well as reports on information regarding the action taken by the Working Group on Enforced or Involuntary Disappearances with regard to East Timor. 10/ The Commission also had before it the report on the situation in East Timor 11/ presented by the Secretary-General pursuant to the consensus statement of the previous session. 12/

15. At its 68th meeting, on 11 March 1993, the Commission, for the first time since the adoption of its resolution 1983/8 of 16 February 1983 relating to East Timor, adopted resolution 1993/97 by a roll-call vote of 22 to 12 with 15 abstentions. By that resolution, the Commission, inter alia, expressed its deep concern at the reports of continuing human rights violations in East Timor as well as its concern at the lack of information about the number of people killed on 12 November 1991, and urged the Government of Indonesia to account fully for those still missing since then, called upon the Government to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor, agreed upon by consensus by the Commission on Human Rights at its forty-eighth session; and also called upon the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, be treated humanely and with their rights fully respected. The Commission urged the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates. It welcomed the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations, and called upon the Indonesian authorities to expand this access further. It welcomed the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his Personal Envoy in the coming months. It also welcomed the resumption of talks on the question of East Timor and encouraged the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor. Finally, the Commission decided to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups, and that of the Secretary-General.

16. Speaking before the vote on the resolution, the representative of Indonesia stated that the resolution was unacceptable because it did not give his country credit for the progress it had made in the field of human rights since the Chairman's statement in 1992. 13/

B. Communications related to the question

17. Communications related to the question of East Timor provided by the Government of Indonesia included, inter alia:

- Letter dated 4 January 1993 to the Secretary-General from the Permanent Representative of the Republic of Indonesia to the United Nations transmitting a letter dated 28 November 1992 addressed to him by the Minister for Foreign Affairs of Indonesia (E/CN.4/1993/49);

- Letter dated 3 June 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General transmitting a note verbale from the Permanent Representative of Indonesia to the United Nations in response to the communication of 5 April 1993 from the Permanent Representative of Portugal concerning East Timor (A/48/189);

- Letter dated 9 June 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General in response to the note verbale of 21 May 1993 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/48/204-S/25922).

18. Communications related to the question of East Timor provided by the Government of Portugal included, inter alia:

- Letter dated 24 March 1992 from the Permanent Representative of Portugal addressed to the Secretary-General (A/47/134-S/23757);

- Letter dated 21 April 1992 from the Permanent Representative of Portugal on behalf of the European Community and its member States addressed to the Secretary-General (A/47/169);

- Note verbale dated 1 May 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/189);

- Letter dated 5 June 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/259);

- Letter dated 26 June 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/299);

- Letter dated 10 July 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/331);

- Letter dated 10 July 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/332);

- Letter dated 10 July 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General transmitting a statement by the spokesman of the Ministry of Foreign Affairs of Portugal on the sentencing to life imprisonment of a Timorese in Dili, issued at Lisbon on 2 July 1992 (E/CN.4/1993/49);

- Letter dated 23 November 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/47/709-S/24837);

- Letter dated 2 December 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General transmitting a statement by the spokesman for the Ministry of Foreign Affairs of Portugal, following the appearance of Mr. Xanana Gusmão in a film broadcast by Indonesian television (E/CN.4/1993/49);

- Note verbale dated 5 April 1993 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/48/130);

- Note verbale dated 21 May 1993 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General transmitting the text of a communiqué by the Ministry of Foreign Affairs of Portugal on the sentence pronounced against Mr. Xanana Gusmão on 21 May 1993 (A/48/175-S/25819).

III. POLITICAL DEVELOPMENTS

19. Indonesian Law 7/76 of 17 July 1976 states that East Timor is a province or a "first-level region" of Indonesia. The law provides for the establishment of a "Regional Government" consisting of a "Regional Secretariat" and a "Regional House of Representatives" and for East Timor to be represented in the National House of Representatives and in the People's Consultative Assembly of Indonesia.

20. By its resolution 32/34 of 28 November 1977, the General Assembly rejected Indonesia's claim that East Timor had been integrated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence.

21. In the last general elections held in East Timor on 9 June 1992, Mr. Mário Viegas Carrascalão, the "Governor" of East Timor for the past 10 years, was replaced by Mr. Abilio José Osório Soares, former commissioner of Manatuto district. Mr. Soares was elected as "Governor" of East Timor for the next five years through an election process in the "East Timor Provincial House of Representatives" and was sworn in on 18 September 1992. Mr. Soares is reported to be a staunch supporter of Indonesia's take-over of the former Portuguese colony, and was a member of the pro-Indonesian political party Apodeti in the closing days of Portuguese rule. 14/

22. Speaking shortly after his appointment, Mr. Soares stated that while he would seek to establish better relations with all segments of East Timorese society, including the resistance organization, the Frente Revolucionária de

Timor Leste Independente (FRETILIN), he nevertheless regarded the consolidation of East Timor's integration into Indonesia as his main objective. 14/

23. The newly installed "Governor" of East Timor is reported to have put forward a plan to end years of strife and bloodshed in the Territory. Reportedly, he wants to set up a voluntary settlement programme to move families to sparsely populated parts of East Timor with rich farming potential. According to the "Governor", the programme, which would be administered with the help of the Indonesian Army, would help to teach East Timorese "some much needed discipline. And together with a course on the virtues of integration in the schools, jobs and discipline will end opposition to Indonesian rule." 15/

24. As previously reported, there are approximately 10,000 Indonesian troops in East Timor (A/AC.109/1115, para. 28).

25. Several press reports have indicated recently that Brigadier-General Theo Syafei, the new Chief of the Udayana Command, has stated that the military would go ahead with its plan to dismantle its special operation in East Timor. By 1995, he said, both "territorial and organic" forces would be pulled out of East Timor and all the affairs currently handled by the military should be transferred to the local government. 16/

26. Military officials interviewed by the Asia Watch observer stressed the reorientation of the military presence in East Timor from combat to a territorial operation. General Syafei was reported to have stated that only 8 battalions were currently stationed in East Timor, compared to 12 in 1991, of which 6 were combat, and that the departing combat troops were being replaced by territorial troops. He predicted that by September 1993 the total troop strength would be reduced to six battalions, all territorial. 17/ The territorial operation was a "hearts and minds" strategy of placing soldiers in the villages to work on development projects. Reliable sources indicate, however, that the primary role of soldiers assigned to villages is to monitor Timorese residents in rural areas. 17/

27. With regard to the search for a comprehensive solution to the question of East Timor, the Secretary-General invited the Ministers for Foreign Affairs of Indonesia and Portugal to hold informal consultations under his auspices and without preconditions. Those consultations were held in New York on 26 September 1992 and dealt with issues of format and modalities for the resumption of the talks. Formal meetings of the two Ministers for Foreign Affairs and the Secretary-General were held in New York and Rome, respectively, on 17 December 1992 and on 21 April 1993. In both meetings, the two Ministers considered possible confidence-building measures as a means of fostering an atmosphere propitious to addressing the substance of the questions. The parties agreed to continue their efforts, under the auspices of the Secretary-General, to seek a lasting and internationally acceptable solution to the question of East Timor. 18/

28. In an effort to see Timorese represented in the negotiating process, Portugal had, on several occasions, proposed talks without preconditions with Jakarta that would include representatives of East Timor inhabitants. 19/

29. Leaders of East Timor's independence movement gave their full support to the new round of United Nations talks held in Rome on 21 April 1993. The leaders held out little hope, however, that the United Nations would win concessions from Indonesia. "In view of Indonesia's inflexibility I don't have any hopes of a breakthrough" José Ramos-Horta, who leads an umbrella organization of East Timorese resistance groups, was reported to have stated at a news conference. 20/

30. Of particular importance to the talks held in Rome was a report prepared by Mr. Amos Wako, a special envoy of the Secretary-General who visited East Timor earlier in the month. Mr. Wako, Attorney-General of Kenya and an international authority on human rights, visited Indonesia and East Timor from 6 to 8 April 1993. His visit was aimed at collecting inputs and updating data on developments in East Timor in order to assist the Secretary-General in his task of settling the question of East Timor. Mr. Wako first visited East Timor for a fact-finding mission in February 1992, just months after the incident on 12 November 1991 in Dili.

31. During his stay at Dili, Mr. Wako met with the East Timor "Governor", Mr. José Osório Abilio Soares, with whom he discussed the progress of East Timor. He also visited Mr. Xanana Gusmão in the central prison at Dili. 21/ In different locations, he also met with Catholic Bishop Belo of the East Timor Diocese and with Mr. Antonio João Gomes da Costa, another captured leader of FRETILIN, whose nom de guerre is Mahunu. Mr. Wako cancelled his plans, however, to meet with the speaker of the East Timor "provincial legislative Council", Mr. António Freitas Parada, and with the Chief of the special military operation command after he learned that Mr. Parada would not receive him if he was going to discuss human rights violations in East Timor. 22/

32. Mr. Wako also had an opportunity to meet, at the Dili penitentiary, with Messrs. Saturnino da Costa Belo, Gregório da Cunha and Francisco Miranda Branco, who were convicted earlier for their involvement in the Dili incident, and with Miss Felismina, who was jailed for reportedly leaking government secrets. Previously, he had planned to meet with 12 persons convicted for their involvement in the Dili tragedy or other related crimes, but was only able to see 4 of them owing to time constraints. 22/

33. Before his departure from Dili, Mr. Wako expressed satisfaction with the opportunity to have met those persons who, reportedly, had received unfair treatment. Mr. Wako refused, however, to comment on the substance of his conversation with Mr. Gusmão but said that he was satisfied that his wish to meet him had been fulfilled. Also, Mr. Wako refused to comment on his meeting with Bishop Belo. 23/

IV. OTHER DEVELOPMENTS

Arrest and trial of Mr. Xanana Gusmão

34. Mr. José Alexandre "Xanana" Gusmão, leader of the National Council of the Maubere Resistance, was captured on 20 November 1992 by Indonesian soldiers on the outskirts of Dili, the capital of East Timor. Mr. Gusmão had long been regarded as a symbol of the resistance to Indonesian rule in East Timor. After his capture, Mr. Gusmão was held incommunicado for 17 days before representatives of the International Committee of the Red Cross (ICRC) were permitted to see him. 24/

35. Mr. Gusmão, who was moved to Bali for interrogation, was reported to have reversed all his ideological beliefs and to have denounced the legitimacy of the armed opposition against Indonesia. On 23 November, he was shown on Indonesian and Portuguese television, in a film shot by the military, being interviewed by Mr. Soares, the new "Governor" of East Timor. He was reported to have called upon his followers to give up the struggle and join the Government in developing East Timor. 25/

36. Mr. Gusmão's apparent appeals for surrender were reportedly ignored by his fellow guerrillas, however, who have rallied behind Mr. António João Gomes da Costa alias Mauhunu, the first Secretary of the Council of the Maubere Resistance. 26/ Mr. da Costa was reportedly also arrested on 5 April 1993 in the outskirts of Dili.

37. General Try Sutrisno, Commander-in-Chief of the Indonesian armed forces, was quoted as having said on 23 November 1992 that Mr. Gusmão would be "accused of engaging in subversive acts, murder and theft, accusations which may mean the death penalty". 27/ In a statement also issued on 23 November, however, an aide to President Suharto was reported to have indicated that Mr. Gusmão would not be executed. 27/

38. Portugal reacted swiftly to the news of Mr. Gusmão's capture with Mr. Mário Soares, President of Portugal, calling upon the Indonesian authorities to release him immediately and by offering him political asylum. President Soares also appealed to the Secretary-General of the United Nations to intervene and save Mr. Gusmão's life. 27/

39. According to The New York Times, Mr. Gusmão might have been psychologically or physically ill-treated during the incommunicado period, and might have been coerced into making the statements out of fear for the safety of his family. According to reports, several of his relatives were taken into custody after his arrest, including a sister who was freed after spending nearly four months in detention. The report also stated that throughout his interrogation, Mr. Gusmão was not accompanied by a lawyer but that a defence lawyer was finally appointed on 26 January 1993, more than two months after his arrest and just a few days before the trial began. 28/

40. Mr. Gusmão went on trial on 1 February 1993 at Dili. He was charged with "1) seeking to separate a part of the national Territory from the authority of the State (KUHP Article 106) which carries a maximum penalty of life imprisonment; 2) leading an armed rebellion against the Indonesian State (KUHP

Article 108) which carries a maximum penalty of 20 years in prison; 3) conspiring to commit both of the crimes specified above (KUHP Article 110); and 4) unauthorized possession of firearms which carries a maximum penalty of death". 29/

41. Mr. Gusmão's defence lawyer reportedly told trial lawyers on 3 February that they had no jurisdiction over the defendant, and demanded that all of the charges be dropped and that his client be freed. The lawyer was quoted to have stated the following: "My argument is that de facto East Timor is part of Indonesia, but de jure is not yet. The United Nations is still questioning this problem." He went on to say: "From the beginning, the Indonesian Government was not recognized in the former Portuguese colony. Therefore, all the institutions there do not exist, including this court." 30/

42. In its April 1993 report, Asia Watch, a division of Human Rights Watch based in New York, while expressing satisfaction at the Indonesian Government's openness for allowing international observers to attend the trial of Mr. Xanana Gusmão, also said that it was concerned about procedures followed during the arrest and detention of both Mr. Gusmão and others detained around the same time. The report added that "It does not, however, resolve the urgent need for improved human rights safeguards in East Timor, in-depth investigations of human rights violations by competent and independent investigators and far more accountability on the part of the Indonesian army." 31/

43. In a statement issued at Lisbon on 30 January 1993 by the Ministry of Foreign Affairs of Portugal on the trial of Mr. Xanana Gusmão, the Portuguese Government stated, among other things:

> "In putting Xanana Gusmão on trial" Indonesia was "acting outside international law, since it lacks the legal, political and moral authority to do so. East Timor is a Territory under military occupation, and Indonesia is not recognized internationally as having any lawful authority there. Under the circumstances, the trial of Xanana Gusmão, and should they be brought to trial, of any other Timorese currently held by the authorities, falls fully within the relevant provisions of international humanitarian law.
>
> "Portugal protests vehemently against the trial of Xanana Gusmão which, apart from being unlawful, is clearly going to be carried out under circumstances offering no guarantees of impartiality and objectivity. There is the risk that the trial will develop into a sombre farce whose aim is to persuade world opinion that Indonesia's forcible annexation of East Timor is now a fait accompli sacrificing the legitimate right to self-determination of the Timorese people." 32/

44. On 21 May 1993, Mr. Xanana Gusmão was sentenced to life imprisonment by the District Court of Dili, East Timor. According to Expresso of Lisbon and other sources, he was not allowed to read more than three pages of his 28-page defence plea: he was ordered to stop by the presiding judge on the grounds that his defence was "irrelevant to the case". Before he was silenced, reports say, Mr. Gusmão revoked his former statements: he rejected Indonesia's claim to have integrated East Timor and denied that he was a citizen of Indonesia. 33/

45. Also according to Expresso, Mr. Gusmão, who had been incommunicado since his life sentence was handed down, had announced that he would start "a hunger strike, as a practical way to appeal for support from the European Community and the Governments of the United States of America and Australia". 33/

46. Reacting to the news of Mr. Gusmão's life imprisonment, Mr. Mário Soares, President of Portugal, stated, inter alia, that "the condemnation to life imprisonment of Xanana Gusmão reveals, in its total brutality, the dictatorial character of the Indonesian regime and lack of respect for elementary human rights". Mr. Soares further stated: "Xanana Gusmão behaved in a courageous and dignified manner, which merit respect. Gusmão will continue to be seen as a symbol of the Timorese resistance and of its struggle for self-determination and independence." 33/

47. Several concerned groups and individuals have sent letters to the Secretary-General of the United Nations expressing their concern over the physical safety of Mr. Xanana Gusmão, as well as his treatment while he is imprisoned, and urging the Secretary-General to intervene on behalf of Mr. Gusmão in order to obtain his release. The Secretary-General was further urged to take urgent measures in order to allow Mr. Gusmão's family and members of the ICRC to have access to him and assist with the necessary medical and other humanitarian assistance.

V. HUMAN RIGHTS SITUATION

48. A member of the United Nations Commission on Human Rights since 1991, Indonesia has repeatedly affirmed its commitment to international human rights principles. During the period under review, the Government took a number of initiatives including the establishment of a National Commission of Inquiry to investigate an incident which occurred in November 1991 at Santa Cruz, East Timor, and the conviction of 10 members of the security forces in connection with the violent incident. 34/ Some political observers have pointed out, however, that the leniency of the sentences pronounced in the case of the soldiers involved in the killings (8-18 months) was in sharp contrast to the severity of those applied to the Timorese involved in the demonstrations (five years to life). 35/

49. According to Amnesty International in its Human Rights report for 1992, while human rights monitors continued to face significant obstacles in their work, the Government had gradually improved access to political detainees by ICRC. By the end of 1992, representatives of ICRC were given access to most categories of prisoners, including those from East Timor. The report further states that, in opening the trial of Mr. Gusmão to outside observers, the Government had tried to demonstrate its compliance with domestic and international legal norms. 34/

50. In its report, Amnesty International examined the record of human rights practices in East Timor since the incident of 12 November. It included case-studies of persons reported to have been extrajudicially executed, to have "disappeared", or to have been arbitrarily detained or tortured in the course of three years. The report provides information on persons imprisoned for peaceful political or religious activities, on political prisoners sentenced to long

terms of imprisonment after unfair trials; and on prisoners under sentence of death. 36/

51. The report found that "there has been no fundamental change in the Government's repressive posture toward political dissent, and that basic human rights continue to be violated in the name of national security, stability and order". It also found that "the Government's human rights initiatives, while certainly a step in the right direction, have not addressed the root causes of human rights abuse". 36/

52. According to Amnesty International, access to East Timor continues to be restricted and this situation made almost impossible the effective monitoring of human rights. Notwithstanding the general improvement in its access to political prisoners, ICRC was unable to conduct confidential prison visits in East Timor during 1992. Parliamentary delegations from the European Parliament, the United States and Australia were refused permission to visit East Timor during the year, and access to foreign journalists was tightly circumscribed. Despite granting permission to Amnesty International to visit Jakarta for five days in January 1993, the Government continued to reject the organization's requests for access to carry out research in East Timor. 37/

53. It has been reported that Indonesia had refused a request by Portuguese lawmakers to visit the East Timorese jailed for their involvement in a demonstration to protest the November 1991 incident at Dili. The Portuguese lawmakers were members of a European Parliament delegation visiting Jakarta in September 1992 for a five-day conference of the Association of South-East Asian Nations inter-parliamentary organization. The lawmakers had also called upon Indonesia to allow a European Parliament delegation to visit East Timor. 38/

54. A delegation from ICRC visited East Timor early in June 1993 to meet with prisoners. In an interview with the British Broadcasting Corporation, however, the local head of ICRC, Mr. Pierre Pont, is reported to have stated that the Committee was still facing difficulties visiting prisoners. He is further reported to have said that ICRC would stop all prison visits until its conditions were met. Those conditions included the freedom to interview prisoners without witnesses, to have repeated access to them, to receive a complete list of all the prisoners detained in different centres and also to have access to those centres. 39/ The Indonesian Minister for Foreign Affairs, Mr. Ali Alatas, is reported to have stated recently, however, that visits to prisoners in East Timor, including to Mr. Gusmão, had been allowed again after an earlier "problem of miscommunication". 40/

55. Amnesty International further reported that hundreds of East Timorese were detained in 1992 often to prevent them from engaging in peaceful political activities. In September 1992, the Government announced that six East Timorese had been arrested in order to prevent them from organizing a demonstration during the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta. 41/ According to the Financial Times of London, scores of others were arbitrarily detained on similar grounds in the weeks prior to the anniversary of the Santa Cruz incident in late October 1992. 42/

56. Military authorities were also reported by Amnesty International to have tortured or ill-treated some of the hundreds of suspected government opponents

detained since early November 1992. As in previous years, suspected supporters of independence for East Timor were subjected to torture and ill-treatment in order to extract confessions or political intelligence. 43/

57. Amnesty International further reported that although especially common in the context of government counter-insurgency operations, extrajudicial killings and "disappearances" have also become a central part of the Government's institutional repertoire in dealing with other perceived threats to national security, including criminal activity and peaceful political opposition. According to the report, at least 40 persons were extrajudicially executed in East Timor in 1992. 44/

58. According to Amnesty International, dozens of new "disappearances" were also reported from East Timor in 1992. Some of the victims were later discovered to have been in incommunicado military or police detention, but others were feared dead. 45/

59. In its April 1993 report, Asia Watch also stated that a wave of arrests in East Timor in October and November 1992, prior to the first anniversary of the Santa Cruz incident, had brought several hundred persons into detention, including approximately 40 in Baucau. According to the report, military officials confirmed that more than 20 persons were arrested immediately before and after Mr. Gusmão's arrest, including nine family members. ICRC was allowed to visit some of these detainees in December 1992 and January 1993. 46/

60. A wave of arrests and torture was also reported by Bishop Belo of Dili. According to the Bishop, massive arrests had occurred following the arrest of Mr. Gusmão; also, the persecution of those who did not recognize East Timor as part of Indonesia had worsened. 47/ The Bishop was quoted as having said:

> "I have received letters from prisoners and ex-prisoners telling me about all types of torture, electric shocks, burning of genitals with cigarettes, placing people in barrels of cold water, and whipping until they say they are FRETILIN collaborators." 47/

61. The United States Department of State, in its 1992 country report on human rights, concluded that in Indonesia, "torture and mistreatment of criminal suspects, detainees and prisoners are common, and the legal protections are violated by the Government". 48/

62. The same conclusion was reached by the Lawyers Committee for Human Rights in its report which examines the difficulties that victims of torture face in seeking redress for the violation of their basic rights. According to the said report, "detainees, particularly those accused of political offenses, often find themselves trapped in incommunicado detention, and their right to counsel denied. Prosecutors do nothing to stop torture while the judges side with the authorities at the expense of individual rights." 49/

63. According to the reports of the organizations mentioned above, torture and ill-treatment of political detainees continued to be widely practised in East Timor.

64. According to the Report of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, more than 200 persons who reportedly "disappeared" after the November 1991 incident remained unaccounted for at the end of 1992. In November 1992, the United Nations Working Group on Enforced or Involuntary Disappearances transmitted to the Indonesian Government the names of 207 persons believed to have "disappeared" at the time of the incident. It was alleged that the disappearances occurred while persons were in the custody of security forces and that most of them had been held incommunicado in police or military centres or in "safe houses". It was also reported that some of the disappeared might have been killed and buried in unmarked mass graves. 50/

65. The New York Times of 21 April 1993 reported that significant restrictions on freedom of speech and press exist in East Timor. Government agents exercise broad discretionary authority in applying laws concerning the right of expression. Also, since government agents and informers are believed to be everywhere - in schools, in offices, even in churches - many East Timorese refuse to discuss politics with anyone outside of their immediate family. According to Bishop Belo, the Roman Catholic Bishop of Dili who is the spiritual leader of most of the 750,000 people of East Timor, "there is always fear. We lack the freedom to speak, to walk where we want, to have different opinions. If people talk, they know they will be interrogated. They will be tortured." 28/

VI. ECONOMIC AND SOCIAL CONDITIONS

66. In the absence of information submitted by the administering Power under Article 73 e of the Charter, for the reasons explained in paragraph 4, the material in this section has been derived from sources other than the Portuguese Government.

67. According to an Indonesian publication, from the beginning of Repelita V (the fifth five-year plan for Indonesia) which commenced in 1989 and will end in 1993, the commitment in every area of social and economic development was clear. 51/

68. According to the Indonesian Government, in the area of agriculture, "development funding has increased twelvefold in the course of the five years covered by the plan, to 9.7 billion Rupiah or $4.5 million". 52/ "Development of mines and energy resources will be increasing more than fivefold to 2.8 billion Rupiah or $1.4 million." 51/

69. Efforts were being made to build roads, bridges and similar infrastructure. To that effect, the Government had appropriated 37.7 billion Rupiah or $18.8 million for public works. 51/ The Indonesian Government had paved hundreds of kilometres of roads and provided much of the needed electricity. 28/

70. According to the Indonesian Government, this was only a sampling of the broad range of development programmes under way which it funded in areas from education and culture to industrial development, health, forestry, telecommunications and family planning. In all, expenditures in East Timor were projected to rise from 15.7 billion Rupiah or $7.8 million in 1989 to

96.9 billion Rupiah or $48.5 million in 1993, a more than sixfold increase in five years. 53/

HEALTH AND EDUCATION

71. According to the Indonesian Government, since the Portuguese ended their colonial presence in 1975, the number of elementary schools in East Timor had increased from 47 to 579, the number of hospitals from 2 to 10, and the number of doctors from 3 to 104. 28/ There were approximately 2,000 health care professionals in East Timor working in more than 200 facilities. At the same time, sanitation programmes to improve health conditions were also being undertaken. Hundreds of small reservoirs to collect rain water were dug and the drilling of wells was being undertaken in order to provide potable drinking water for the population. 54/ Also, child, mother and family welfare improvement programmes were being started in cooperation with UNICEF.

72. According to the Government of Indonesia, Repelita VI (the sixth five-year plan), now in the final stages of preparation, was expected to accelerate the pace of development in East Timor. At the same time, Indonesia was eager to encourage foreign investment in East Timor, particularly with respect to development of natural resources and industry which would mean more and better jobs and a higher standard of living for all the residents of the Territory. 51/

Notes

1/ World Population Prospects, 1990 (United Nations publication ST/ESA/SER.A/120, Sales No. E.91.XIII.4), p. 140.

2/ For details, see corresponding sections of the previous working papers contained in documents A/AC.109/L.1328, A/AC.109/623, 663, 715, 747, 783, 836, 871, 919, 961, 1001 and 1115.

3/ See General Assembly resolutions 1699 (XVI), 1807 (XVII), 1913 (XVIII), 2107 (XX), 2184 (XXI), 2395 (XXIII), 2507 (XXIV), 2707 (XXV), 2795 (XXVI), 2918 (XXVII), 3113 (XXVIII), 3294 (XXIX), 3485 (XXX) and 31/53, relating to the question of Territories under Portuguese administration, including East Timor; see also Assembly resolutions 32/34, 33/39, 34/40, 35/27, 36/50 and 37/30 on the question of East Timor.

4/ See A/35/233, A/36/160, A/37/113, A/38/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219, A/44/262, A/45/172, A/46/131 and A/47/189. Owing to lack of official information from the administering Power, the information contained in the present paper has been derived from published reports.

5/ A/38/352, A/39/361, A/40/622, A/41/602, A/42/539, A/43/588, A/44/529, A/45/507 and A/46/456.

6/ General Assembly decisions 38/402, 39/402, 40/402 and 43/402; see also A/41/PV.3, A/44/PV.3, A/45/PV.3, decision 46/402 and A/47/PV.3.

7/ United Nations Commission on Human Rights, press release No. HR/CN/389 of 31 August 1992.

8/ E/CN.4/1993/46, paras. 348-353.

9/ E/CN.4/1993/26, paras. 270-274.

10/ E/CN.4/1993/25, paras. 278-290.

11/ E/CN.4/1993/49.

12/ E/CN.4/1992/84, para. 457.

13/ E/CN.4/1993/SR.68.

14/ The Economist Intelligence Unit: Country Report No. 4, 1992 (Indonesia), p. 9.

15/ The Sydney Morning Herald, 5 October 1992.

16/ The Jakarta Post, 31 March 1993; see also The Christian Science Monitor, 29 April 1993, and Permanent Mission of the Republic of Indonesia to the United Nations, press release 14/PR/92, New York, 13 October 1992.

17/ Asia Watch, Remembering History in East Timor: The Trial of Xanana Gusmão and a Follow-up to the Dili Massacre, April 1993, p. 25.

18/ A/47/435, para. 9; see also United Nations press release SG/SM/847 of 17 December 1992 and press release SG/T/1795 of 21 April 1993; and The New York Times, 22 April 1993.

19/ Reuters report, 30 October 1992.

20/ Ibid., 20 April 1993.

21/ The New York Times, 21 April 1993; see also Indonesian Times, 7 April 1993.

22/ The Jakarta Post, 8 April 1993.

23/ Ibid., see also Antara News Bulletin, 7 April 1993.

24/ Amnesty International, Indonesia/East Timor: A New Order? Human Rights in 1992, February 1993, p. 23.

25/ The Jakarta Post, 2 December 1992; see also Indonesian Times, 2 December 1992; Indonesian Observer, 2 December 1992; and Financial Times (London), 3 December 1992.

26/ Observer (London), 17 January 1993.

27/ Keesing's Record of World Events, vol. 38, No. 11, 1992, p. 39196.

28/ The New York Times, 21 April 1993.

29/ The International Herald Tribune, 2 February 1993; Amnesty International, op. cit., p. 24, footnote No. 29.

30/ Asian Recorder, 12-18 March 1993, p. 22980; see also The Times (London), 4 February 1993.

31/ Asia Watch, op. cit., p. 28.

32/ Statement by the Ministry of Foreign Affairs of Portugal on the trial of Mr. Xanana Gusmão issued on 30 January 1993; see also note verbale dated 5 April 1993 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/48/130).

33/ Expresso, Lisbon, 22 May 1993.

34/ Amnesty International, Indonesia/East Timor: A New Order? Human Rights in 1992; February 1993, p. 8.

35/ The Times (London), 14 August 1992; see also Bangkok Post, 6 April 1993.

36/ Amnesty International, op. cit.

37/ Ibid., p. 6.

38/ United Press International, 22 September 1992.

39/ Reuters report, 19 June 1993; see also The Nation (Bangkok), 8 June 1993.

40/ Reuters report, 24 June 1993.

41/ Amnesty International, op. cit., p. 13.

42/ Financial Times (London), 10 November 1992.

43/ Amnesty International, op. cit., p. 16.

44/ Ibid., p. 10.

45/ Ibid., p. 11.

46/ Asia Watch, Remembering History in East Timor: The Trial of Xanana Gusmão and a Follow-up to the Dili Massacre, April 1993, vol. 5, No. 8, p. 9.

47/ The Nation (Bangkok), 19 March 1993.

48/ United States Department of State, Country Reports on Human Rights Practice for 1992, Washington, D.C., February 1993, sect. 1c.

49/ Lawyers Committee, Broken Laws, Broken Bodies; op. cit.

50/ E/CN.4/1993/25, 7 January 1993, paras. 283-284.

51/ East Timor: Building for the Future: Issues and Perspectives, Department of Foreign Affairs, Republic of Indonesia, July 1992.

52/ The currency of the Territory is the Indonesian rupiah. As at 8 July 1993, US$ 1.00 equals Rp. 2,617.

53/ East Timor: Building for the Future, op. cit., p. 23.

54/ Ibid.; see also The New York Times, 21 April 1993.